

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ANTHONY G. HERBERT,

Plaintiff,

vs.

SPOKANE POLICE DEPARTMENT,  
OFFICER EBERSLEY and OFFICER  
ANDERSON,

Defendants.

NO. CV-07-252-RHW

ORDER DISMISSING ACTION

By Order filed October 22, 2007, the Court directed Mr. Herbert to notify the Court of his prisoner status as it related to his request to proceed *in forma pauperis* under 28 U.S.C. § 1915. Mr. Herbert was admonished that failure to comply with the Court's directive would result in dismissal of the case for failure to prosecute. Plaintiff did not comply and has filed nothing further in this action.

Consequently, **IT IS ORDERED** the action is **DISMISSED without prejudice** pursuant to Federal Rule of Civil Procedure 41 (b); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992).

**IT IS SO ORDERED.** The District Court Executive is directed to  
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1 enter this Order, enter judgment, forward a copy to Plaintiff at his  
2 last known address and close the file

3 **DATED** this 22<sup>nd</sup> day of January 2008.

4 *S/ Robert H. Whaley*

5 ROBERT H. WHALEY  
6 CHIEF UNITED STATES DISTRICT JUDGE

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